

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Tory Hart, trustee for the heirs and  
next-of-kin of E.A.K.H.,

Plaintiff,

v.

County of Dakota, Beth Dehner,  
and Jennifer Streefland, individually  
and in their capacities as employees of  
Dakota County,

Defendants.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
Case No. 22-cv-2035 (MJD/JFD)

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Joshua M. Tuchscherer, Andrew L. Davick, Meshbeshier & Spence, Ltd., John  
T. Giesen, Dunlap & Seeger, P.A., for Plaintiff.

Kathryn M. Keena, William M. Topka, Alemayehu Ditamo, Dakota County  
Attorney's Office, for Defendants.

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This matter is before the Court on the Report and Recommendation by  
United States Magistrate Judge John F. Docherty, dated November 22, 2023.  
(Doc. 185.) Defendant objects to the part of the Recommendation stating that the  
motion should be dismissed in its entirety and asks that the Court to grant in  
part and deny in part the motion. (Doc. 193 at 2-4.) Plaintiff filed a Response to  
Defendant's Objection. (Doc. 223.)

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). Based on that review and in consideration of the applicable law, the Court will overrule Defendant's objection and adopt the Report and Recommendation dated November 22, 2023.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the November 22, 2023 Report and Recommendation of United States Magistrate Judge John F. Docherty [**Doc. 185**];
2. Defendants' objection [**Doc. 193**] is **OVERRULED**;
3. Defendants' Motion to Enforce the Partial Settlement Agreement or for Partial Judgment on the Pleadings [**Doc. 32**] is **DENIED**; and
4. Count IV of the original Complaint [**Doc. 4**] is **DISMISSED** with prejudice consistent with the agreement of the Parties and the Amended Complaint [Doc. 178].

Dated: March 28, 2024

s/Michael J. Davis  
Michael J. Davis  
United States District Court